(*b*) their hours of work ;

(*c*) when the salaries and grades were fixed ;

(*d*) whether they contemplate the revision of these grades ; and if so, when ?

*A.*—The Hon'ble Sri H. SIDDAIYA (Minister for Revenue and Excise).—

(*a*) Nursing Superintendents—

First Grade—
Rs. 200—10—300 *plus* R.A. and U.A. of Rs. 45 p.m.

Second Grade—
Rs. 125—5—150 *plus* R.A. and U.A. of Rs. 35 p.m.

Nurses—

First Grade—
Rs. 75—5/2—100 *plus* R.A. and U.A. of Rs. 24 p.m.

Second Grade—
Rs. 45—5/2—70 *plus* R.A. and U.A. of Rs. 24 p.m.

(*b*) Eight to nine hours for day duty Nurses and eleven to twelve hours for night duty Nurses.

(*c*) In December 1946.

(*d*) Not for the present.

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## Ruling *re:* Penalty in respect of a Member sitting in the Assembly before taking the prescribed Oath.

Mr. SPEAKER (The Hon'ble Sri V. VENKATAPPA).—Hon'ble Members will doubtless remember that on the last date of meeting, Sri H. K. Veeranna Gowdh raised the question whether a member who has not made the prescribed oath or affirmation incurred any penalty under Article 193 of the Constitution read with Article 188 by sitting in the Assembly when the Assembly was in Session. I reserved my ruling on the question. The point raised relates to Sri K. R. Sreekanteswar, a member who was returned to the Assembly at a recent bye-election. At the commencement of the meeting of that day, I called upon new members desirous of taking their seats to do so and thereupon the Secretary called out the name of Sri K. R. Sreekanteswar. At that time the member was not in the Assembly and I therefore passed on to the next item of business. Some time later the member came into the Hall and took his seat and continued to sit till the lunch interval just before which Sri H. K. Veeranna Gowdh raised this point.

Article 193 states *inter alia* that if a person sits or votes as a member of a Legislative Assembly before he has complied with the requirements of Article 188 he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the State. Article 188 *inter alia* requires every member of a Legislative Assembly before taking his seat to make and subscribe before the prescribed authority an oath or affirmation in the form appended to the Constitution.

Immediately after the Assembly re-assembled after lunch, Sri K. R. Sreekanteswar was called upon and he took the Oath and signed the Register of Members. But the question raised by Sri Veeranna Gowdh still remains to be disposed, as Sri K. R. Sreekanteswar sat in the Assembly during the hours preceding the lunch interval when he had not yet taken the oath. Article 193 is, to my mind, quite clear. A member who sits in the Assembly before taking the oath becomes liable to the penalty. I find that such a provision exists with respect to almost all the legislatures in the world and is not something special or peculiar to our Constitution. It also found a place in the Government of India Act. In the British House of Commons if a member sits without taking his oath, his seat is vacated and members who have not yet taken the oath sit below the bar which is a technical barrier from beyond which the members cannot speak, and they take great care to see that they do not even inadvertently take a seat within the bar. The word 'sit' has not been defined anywhere and must therefore carry its natural grammatical meaning. I therefore hold that Sri K. R. Sreekanteswar in having sat in the Assembly while it was in session before taking his oath

(MR. SPEAKER).

has rendered himself liable to the penalty prescribed in Article 193 read with Article 238.

But while he has made himself so liable to the penalty I think it will be necessary by some positive act or some decision to impose the penalty on him for this particular breach. But this is the legitimate function of the House itself and not of the Speaker. However this is the first time that such a point has arisen in the Assembly. The member being a new member was evidently unaware of the seriousness of his action in sitting in the Assembly before taking the oath. I would therefore recommend to the House that it may not pursue the matter but as I said it is a matter for the House to decide.

**Sri A. BHEEMAPPA NAIK** (Chitaldrug District—General).—The House may kindly consider the case sympathetically since this is the first occasion and I am sure Sri K. R. Sreekanteswar never intended to break the law or the intention of the law. Therefore, while I appeal to the House to consider the case sympathetically, I also request the Hon'ble Member Sri K. R. Sreekanteswar to give his opinion in the matter.

**Mr. SPEAKER.**—There is no need for any speech now. I have already indicated that point and if any Hon'ble Member desires to move a formal motion, he may do so. Then we can take it up and decide the issue.

**Mushir-ul-Mulk J. MOHAMED IMAM** (Chitaldrug *cum* Tumkur—Muslim).—Sir, I submit that there are two points to be considered. I do not dispute the decision of the Chair, but there are two aspects to be taken into consideration by the House. Of course ignorance of the law cannot be a plea. But the previous practice in the previous legislatures and sometimes even in this House, was that a new member was not allowed to speak or vote before taking the oath, but was allowed to sit in the House.....

**Mr. SPEAKER.**—What is the object of discussing it ?

**The Hon'ble Sri K. CHENGALARAYA REDDY** (Leader of the House).—On a point of order, Sir, this is not the time when we could have a discussion on the suggestion made by the Hon'ble Chair. It may be proper for this House to discuss this on a suitable motion and I submit Sir, that we will consider over the matter and give notice of a proper motion for consideration of this subject. When this motion is formally moved, then it will be time enough to discuss the issue. I may also indicate for the information of the House that it is my intention to make a motion in this behalf as early as possible.

**Janab MAHMOOD SHERIFF** (Mysore *cum* Mandya *cum* Hassan—Muslim).—What is the position of the Hon'ble Member Sir, now ?

**Mr. SPEAKER.**—The Hon'ble Member has now taken the prescribed oath and he can therefore continue to sit in the House.

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## LEGISLATIVE BUSINESS.

### Introduction of Bills.

**Mr. SPEAKER** (The Hon'ble Sri V. VENKATAPPA).—The next item of business is Introduction of Bills.

**The Hon'ble Sri K. T. BHASHYAM** (Minister for Law and Labour).—Sir, I introduce—

(1) The Code of Civil Procedure (Mysore Amendment) Bill, 1951, and

(2) The Mysore Transfer of Property (Extension to Agricultural Land) Bill, 1951,

which were published in the *Mysore Gazette* Extraordinary dated 8th October 1951 under Rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly.

**The Hon'ble Sri R. CHENNIGARAMIAH** (Minister for Local Self-Government).—Sir, I introduce—

The Mysore Town Municipalities (Amendment) Bill, 1951,

which was published in the *Mysore Gazette*, Extraordinary, dated 8th October 1951, under Rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly.

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